

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

**AMERICAN POSTAL WORKERS UNION,
AFL-CIO, NORTHWEST AREA LOCAL 7140**

**Cases 13-CA-160069
13-CA-165325
13-CA-165330
13-CA-165332**

DECISION AND ORDER

Statement of the Cases

On July 8, 2016, the United States Postal Service (the Respondent), American Postal Workers Union, AFL-CIO, Northwest Area Local 7140 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

¹ We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Court of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Member Miscimarra would not approve the part of the Order requiring the Respondent to cease and desist from "in any like or related manner refusing to bargain collectively and in good faith with . . . *any other labor organization* at the Respondent's Palatine, Illinois facility" (emphasis added) because the asserted violation against "other" labor organizations was not alleged as part of this case.

Contrary to our colleague, we approve the Order as written, as it reflects language negotiated by the parties in their all-party formal settlement agreement and is consistent with language that the Board has approved in other formal settlements. See,

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its Processing and Distribution Center located in Palatine, Illinois.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA), 39 U.S.C. § 101 et seq.

2. The labor organizations involved

The Union and American Postal Workers Union (APWU), AFL-CIO (the National Union) are labor organizations within the meaning of Section 2(5) of the Act.

3. The bargaining unit

The following employees of the Respondent (the Unit) constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All employees in the maintenance craft employed by the United States Postal Service as defined in the Unit Recognition provision of the parties' most recent collective-bargaining agreement, which is effective by its terms from November 21, 2010 through May 20, 2015, and continues day-to-day thereafter.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Palatine, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from

e.g., *United States Postal Service*, 10-CA-165443 et al., unpublished order issued June 30, 2016; and *United States Postal Service*, 10-CA-149544 et al., unpublished order issued April 13, 2016.

(a) Failing or unreasonably delaying in furnishing the Union with relevant requested information, or in any like or related manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act.

(b) Failing or unreasonably delaying in furnishing the Union with relevant requested information, or in any like or related manner refusing to bargain collectively and in good faith with the Union as the designated servicing representative of the exclusive collective-bargaining representative of the Unit, or any other labor organization at the Respondent's Palatine, Illinois facility.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Supply the Union with requested information necessary for, and relevant to, the Union's representation of the employees in the Unit at the Palatine, Illinois facility.

(b) Within 14 days of service by the Region, post copies of the attached notice marked as Appendix A at the Respondent's Palatine, Illinois facility. Copies of the notice, on forms provided by Region 13, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(c) Within 21 days after service of this order by the Region, file with the Regional Director a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., September 22, 2016

Mark Gaston Pearce, Chairman

Philip A. Miscimarra, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A SETTLEMENT STIPULATION PROVIDING FOR A
BOARD ORDER AND/OR CONSENT JUDGMENT OF
ANY APPROPRIATE U.S. COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

American Postal Workers Union, AFL-CIO, Northwest Area Local 7140, is the employees' representative in dealing with us regarding wages, hours and other working conditions of the employees in the following unit:

All employees in the maintenance craft employed by the United States Postal Service as defined in the Section 1 of the parties' most recent collective bargaining agreement.

WE WILL NOT unreasonably delay in providing the Union with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT refuse to provide the Union with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE HAVE provided the Union with the information it requested on June 5, 2015, November 15, 2015, and October 31, 2015.

WE WILL provide the Union with the work order report information it requested on October 1, 2015, October 17, 2015, and October 31, 2015.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/13-CA-160069 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

